

1 The Honorable David G. Estudillo
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILL CO. LTD. a limited liability company
organized under the laws of Japan,

Plaintiff,

vs.

KAM KEUNG FUNG, aka 馮錦強, aka
FUNG KAM KEUNG, aka FUNG KAM-
KEUNG, aka KUENG FUNG, aka KEUNG
KAM FUNG, aka KAM-KEUNG FUNG, aka
KEVIN FUNG, an individual; FELLOW
SHINE GROUP LIMITED, a foreign company,
and DOES 1-20, d/b/a AVGLE.COM,

Defendants.

Case No.: 3:20-cv-05666-DGE

PLAINTIFF'S SECOND MOTION FOR
RELIEF OF DEADLINES RE:
PLAINTIFF'S AMENDED RESPONSE
TO MOTION TO DISMISS

NOTE ON MOTION CALENDAR:
January 28, 2022

COME NOW, Plaintiff Will Co. Ltd ("Will Co") by and through its undersigned
counsel, file this Second Motion to for Relief from Deadline Re: Plaintiff's Amended
Response to Motion to Dismiss.

I. INTRODUCTION AND FACTS

On or about July 8, 2020, Plaintiff filed this action as a John Doe lawsuit, alleging
copyright infringement on the web site avgle.com, with the owners and operators of the
website then unknown. Dkt. No. 1. To discover the identity of the site owners/operators,
Plaintiff filed a motion for early discovery, which was granted by the Court on August 3, 2020.

PLAINTIFF'S SECOND MOTION FOR RELIEF OF
DEADLINE TO FILE AMENDED RESPONSE TO
MOTION TO DISMISS - 1 [NO. 3:20-cv-05666 DGE]

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1 Dkt. No. 4 and 7. Thereafter, Plaintiff served subpoenas on permitted entities. These
 2 subpoenas resulted in the discovery of Kam Keung Fung (“Fung”) and Fellow Shine Group
 3 Limited (“Fellow Shine”). On or about November 12, 2020, Plaintiff filed a First Amended
 4 Complaint naming Fung and Fellow Shine as defendants. Dkt. No. 8.

5 Simultaneous with the First Amended Complaint, Plaintiff filed a Motion for Leave For
 6 Alternative Service. Dkt. No. 9. Leave was granted on November 16, 2020. Dkt No. 13.
 7 Plaintiff filed for clerk issue of summon, issued on November 18, 2020. Dkt. No. 19.
 8 Defendants were served with the summons and First Amended Complaint.

9 Defendants filed a motion to dismiss for lack of personal jurisdiction on December 24,
 10 2020. Dkt. No. 23. Plaintiff timely filed its Opposition to the Motion to Dismiss on January
 11 25, 2021. Dkt. No. 28. Therein, Plaintiff requested jurisdictional discovery if the Court found
 12 jurisdiction could not be determined based upon available submissions. Defendants timely
 13 filed their Reply on February 5, 2021. Dkt. No 35.

14 On July 19, 2021, the Court issued an order finding that jurisdiction could not be
 15 determined on current submissions but granted Plaintiff jurisdictional discovery. The Court
 16 granted Plaintiff 90 days to conduct discovery and file an amended response to the motion to
 17 dismiss. Dkt. No. 43.

18 Issues arose between the parties regarding discovery which required court intervention.
 19 As such, Plaintiff requested an extension of the deadline to file an amended response to permit
 20 motions to compel discovery. Dkt. No. 44. Thereafter, the Court granted the requested
 21 extension. Dkt. No. 46. The Court moved the deadline to file an amended response to January
 22 20, 2022, and required any discovery motions to be filed by December 20, 2021. Id.

23 Plaintiff filed motions to compel on November 28, 2021. Dkt. Nos. 47 and 49.
 24 Oppositions and replies were timely filed (Dkt. Nos. 52 and 53). As of the date of the instant
 25 motion, the Court has not ruled on the motions to compel.

II. RELIEF REQUESTED

Plaintiff seeks relief of the current deadline of January 20, 2022 to file an amended response to the motion to dismiss. Specifically, Plaintiff requests the new deadline to be set 60 days after the Court's ruling on the motions to compel, allowing for time for the Defendants to comply with the motion (should they be granted) and Plaintiff to draft an amended response based upon the supplemental information.

III. ARGUMENT

The Court granted an extension for Plaintiff to file an amended response to Defendant's motion to dismiss to January 20, 2022. The purpose of the extension was to permit Plaintiff to file motions to compel discovery. Those motions have been timely filed. The Court has not yet ruled on the motions to compel discovery.

Until the Court determines whether further discovery should be compelled, Plaintiff cannot meet the deadline to file and amended response to the Motion to Dismiss. Accordingly, it is requested that the Court again grant relief from the deadline and set the new deadline to be set 60 days after the Court's ruling on the motions to compel.

IV. CONCLUSION

For the reasons stated herein, Plaintiff requests relief from the current deadline of January 20, 2022 to file an amended response to the Defendants' Motion to Dismiss and set a new deadline to be set 60 days after the Court's ruling on the motions to compel.

DATED this 14th day of January 2022.

FREEMAN LAW FIRM, INC.

s/ Spencer D. Freeman
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PLAINTIFF'S SECOND MOTION FOR RELIEF OF
DEADLINE TO FILE AMENDED RESPONSE TO
MOTION TO DISMISS - 3 [NO. 3:20-cv-05666 DGET]

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